

BOARD OF APPEALS CASE NO. 5042

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BEFORE THE

APPLICANT: Margie Sue Plummer

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ZONING HEARING EXAMINER

**REQUEST: Variance to allow 2 dwellings
on a single lot in the Agricultural District;
1802 Carsins Run Road, Aberdeen**

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 4/19/00 & 4/26/00

HEARING DATE: June 14, 2000

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Record: 4/21/00 & 4/28/00

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ZONING HEARING EXAMINER'S DECISION

The Applicant, Margie Sue Plummer, a residential tenant on the subject property, is requesting a variance to Section 267-22A of the Harford County Code, to allow more than one principal building to be used for dwelling purposes on a single lot in an AG Agricultural District. The second principal dwelling is a mobile home which replaced an existing mobile home.

The subject property is located at the west side of Carsins Run Road between Stepney Road and Tower Road in Aberdeen, in the Third Election District. The address for the subject mobile home is 1802 Carsins Run Road, Aberdeen. The parcel is more specifically identified as Parcel No. 95, in Grid 4F, on Tax Map 50. The property contains approximately 75 acres, all of which is zoned AG. According to the application and the Staff Report prepared by the Department of Planning and Zoning, the property is owned by Sylvia Skillman, 3710 Mill Road, Aberdeen. However, at hearing the Applicant indicated that Ms. Skillman is deceased, and the property is now owned by her son, Mr. Robert Skillman, 1804 Carsins Run Road, Aberdeen.

The Applicant, Ms. Margie Sue Plummer, 1802 Carsins Run Road, Aberdeen, appeared and testified that she has lived in a mobile home on the subject property since 1987. According to Ms. Plummer, there has been a mobile home trailer on the site at 1802 Carsins Run Road since 1959. It is Ms. Plummer's understanding that in 1986, the then existing mobile home was falling apart and it was replaced with a trailer which she believed was permitted by the County. She moved into the home in 1987 and has lived there ever since without problems or complaints either from neighbors or from the County.

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A short time ago, Ms. Plummer wished to replace the trailer with a newer model. When she purchased the new trailer, she inquired about a permit with the County. At that time, she was informed that no permit had been issued for the old trailer, and she could not continue to live in the new trailer on the property without a variance. Based upon the history of a mobile home being located on this site on the property for over forty years, and the fact that Ms. Plummer has lived in a mobile home on the site, undisturbed, for over thirteen years, Ms. Plummer testified that she believes these are unique circumstances which justify her request for the variance. In addition, Ms. Plummer indicated that denial of the variance would cause her extreme hardship in that she would be forced to move from the home where she has lived for the past thirteen years and find residence elsewhere. To her knowledge, approval of the variance would have no detrimental effect on adjoining properties, nor would there be any impairment to the purpose of the Code, or to the public interest. Ms. Plummer testified that she was not aware of any complaints from any neighbors.

It was also Ms. Plummer's testimony that she had reviewed the Staff Report from the Department of Planning and Zoning and she is willing to comply with the conditions recommended by the Department if the request is granted. The Department recommended approval of the requested variance, noting that:

"The subject property is an existing farm that contains a total of two single-family dwellings and four mobile homes on approximately 101.5 acres. The Applicant has resided on the property since 1987 and is requesting to replace a mobile home that was placed on the property without a permit. The request would not increase the number of dwellings units that currently exist on the property.

The requested variance should have little or no adverse impact on the adjacent properties and/or intent of the Code."

No witnesses appeared in opposition to the request.

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CONCLUSION:

The Applicant, Margie Sue Plummer, is requesting a variance to Section 267-22A of the Harford County Code, to allow more than one principal building to be used for dwelling purposes on a single lot in an Agricultural District. Specifically, Ms. Plummer is seeking approval to continue to reside in the mobile home in which she has lived as a tenant on the subject property for the past thirteen years. The property owner, Mr. Robert Skillman, currently resides in the original house which was built on the property. The Code limits the number of principal dwelling units on a single lot to no more than one.

The applicable provision of the Harford County Code, Section 267-22A, reads:

"Separate lot requirements. Except as otherwise permitted by this Part 1, not more than one principal building used for dwelling purposes shall be permitted on any single lot. Establishment of a building with separate dwelling units for rental, cooperative or condominium purposes or as continuing care retirement community on a single lot shall not violate this requirement."

Section 267-11A of the Code provides that variances may be granted if the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.**
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest."**

The uncontradicted evidence offered by way of testimony and documented in the Department of Planning and Zoning's Staff Report demonstrates that the circumstances relating to principal dwellings on this particular property, zoned Agricultural, and to Ms. Plummer's history of residence on the property, are unique. A mobile home was apparently permitted on this site on the property over forty years ago, along with at least one other mobile home, in addition to the main house which was built on the property decades ago. There can be no doubt that denial of the variance will cause Ms. Plummer severe hardship in that she will be forced to move from the home and property she has maintained for over thirteen (13) years.

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There was no evidence to suggest that the location of Ms. Plummer's mobile home on the property as an additional principal dwelling is substantially detrimental to adjacent properties. In fact, if the property owner so desired, it is likely that he could sell Ms. Plummer a parcel of land containing her mobile home with no requirement to obtain a variance or other zoning appeal approval. The mobile home is as it is described, namely "mobile", in that it could be moved if necessary without undue difficulty. Accordingly, approval of the requested variance would not appear to impact the purpose or intent of the Code, nor would it appear to impair the public interest.

Therefore, it is the recommendation of the Hearing Examiner that the Applicant's request to allow more than one principal building used for dwelling purposes on a single lot be approved to permit the continued location of a mobile home at 1802 Carsins Run Road, subject to the following conditions:

1. The Applicant shall obtain all necessary permits and inspections for the mobile home;
2. The remains of the previous mobile home shall be removed from the property;
3. The approval of the variance is specific to the Applicant only. Approval shall be withdrawn when the Applicant no longer resides on the property.

Date AUGUST 8, 2000

Valerie H. Twanmoh
Zoning Hearing Examiner